

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 649 – HB 1047

April 1, 2019

SUMMARY OF ORIGINAL BILL: Extends the “Tennessee Zero to Three Court Initiative” from January 1, 2022, to January 1, 2025. Establishes five additional zero to three court programs throughout the state on January 1, 2020. Establishes a zero to three court program has concurrent jurisdiction to reinstate a revoked or suspended driver license of a party to an action before the court and waive unpaid fines and fees based on the party's satisfactory progress toward meeting the goals of the court.

Requires the Administrative Office of the Courts (AOC) in consultation with the Department of Children’s Services (DCS) and the Council of Juvenile and Family Court Judges to determine the location of each program. Requires the AOC, in consultation with the DCS and the Department of Mental Health and Substance Abuse Services (DMHSAS) to administer the zero to three court program.

Requires all zero to three court programs established on or before January 1, 2018 to submit program data and an annual report by February 1 of each year to the Judiciary Committee of the House of Representatives summarizing the results of the programs’ operation.

Requires all zero to three court programs established on January 1, 2020, to submit program data and an annual report by February 1, 2021, and each following February 1 to the Judiciary Committee of the House of Representatives summarizing the results of the programs’ operation. Effective date beginning January 1, 2020; ceasing to be effective January 1, 2025.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$68,500/Each Year FY19-20 through FY23-24
\$34,300/FY24-25

Other Fiscal Impact – To the extent the state is out of compliance with federal requirements for penalties on repeat intoxicated drivers, federal funding received for the National Highway System Performance Plan and the Surface Transportation Program will be decreased by approximately \$20,000,000 and reserved for alcohol-impaired driving countermeasures.

Shifting the administrative responsibilities of the program from the Department of Children Services (DCS) to the Administrative Office of the Courts will result in a decrease of Federal Title IV-E Waiver funds currently received and used by the DCS to

administer and regulate the program. The extent of any federal funding reduction is unknown; however, it is reasonably estimated that \$500,000 of Federal Title IV-E Waiver funds will not be received in each FY19-20 and FY20-21, and \$250,000 will not be received in FY21-22.

SUMMARY OF AMENDMENT (006952): Deletes all language after the enacting clause. Extends the “Tennessee Zero to Three Court Initiative” from January 1, 2022, to January 1, 2025. Establishes five safe baby courts through the state on January 1, 2020. Authorizes the establishment of additional safe baby courts as funding permits.

Requires the Administrative Office of the Courts (AOC), in consultation with the Department of Children’s Services (DCS) and the Council of Juvenile and Family Court Judges to determine the location of each program. Requires the AOC to establish at least one program within the three grand divisions and seek to serve both rural and urban populations.

Authorizes a juvenile court matter that meets the safe baby court program criteria be referred to a safe baby court program at any time during the pendency of the proceeding. Requires any juvenile court matter with a permanency plan already in place when transferred to a safe baby court program be scheduled for a review hearing by the court within 30 days of the transfer.

Authorizes safe baby courts to apply for and receive matching monetary grants in addition to funds allotted to safe baby court programs from the DCS, DMHSAS, and the AOC.

Creates a Safe Baby Court Advisory Committee (Committee) to develop non-regulatory strategies to address issues related to the operation of safe baby courts and to facilitate necessary changes. Committee members shall be named by the Director of the AOC, the Commissioner of the DCS and the Commissioner of the DMHSAS.

Requires all zero to three court programs and safe baby courts established on or before January 1, 2018 to submit program data and an annual report by February 1 of each year to the Director of the AOC, the Commissioner of the DMHSAS, the Chair of the Judiciary Committee of the Senate and the Chair of the Judiciary Committee of the House of Representatives summarizing the results of the programs’ operation.

Requires all safe baby courts established on January 1, 2020, to submit program data and an annual report by February 1, 2021, and each following February 1 to the Director of the AOC, the Commissioner of the DMHSAS, the Chair of the Judiciary Committee of the Senate and the Chair of the Judiciary Committee of the House of Representatives summarizing the results of the programs’ operation. Establishes all zero to three court programs and safe baby court programs cease to be effective January 1, 2025.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase State Expenditures – \$250,000/FY19-20
\$500,000/FY20-21
\$750,000/FY21-22
\$1,000,000/FY22-23
\$1,000,000/FY23-24
\$500,000/FY24-25**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 37-1-903(c), the DCS is currently responsible for administering the zero to three court programs.
- It is assumed the DCS will be responsible for administering the five new safe baby court programs.
- The DCS currently uses a Federal Title IV-E Waiver to fund the zero to three court programs. The amount of expenditures used by the DCS to administer these court programs is unknown; however, it is reasonably estimated that \$500,000 of such funds would have been used for a full-year. This would only impact such use from July 1, 2019, to January 1, 2022, or full-years FY19-20 and FY20-21, and a half-year in FY21-22.
- The increase in expenditures to extend the Zero to Three Court Initiative from January 1, 2022, to January 1, 2025 is estimated to be \$500,000 in each FY22-23 and FY23-24. Due to the effective and termination date provision, the increase in expenditures in FY21-22 and FY24-25 is estimated to be 50 percent of the full-year impact, or \$250,000 (\$500,000 x 50.0%).
- The exact cost to administer the five new safe baby court programs is unknown, but is assumed to be similar in cost to the zero to three court programs.
- The increase in expenditures to administer the five new safe baby courts from January 1, 2020, to January 1, 2025 is estimated to be \$500,000 in each year FY20-21 through FY23-24.
- Due to the effective and termination date provision, the increase in expenditures in FY19-20 and FY24-25 is estimated to be 50 percent of the full-year impact, or \$250,000 (\$500,000 x 50.0%).
- The increase in expenditures associated with extending the zero to three court program and establishing five new safe baby court programs will be in state funds as the Federal Title IV-E Waiver will expire in September, 2019.
- Members of the Safe Baby Court Advisory Committee (Committee) are to serve as volunteers and shall receive no compensation or reimbursement for their services.
- Any increase in expenditures to the Committee to compile and submit the annual report will be not significant.
- The total increase in state expenditures in FY19-20 is estimated to be \$250,000.
- The total increase in state expenditures in FY20-21 is estimated to be \$500,000.

- The total increase in state expenditures in FY21-22 is estimated to be \$750,000 (\$500,000 + \$250,000).
- The total increase in state expenditures in FY22-23 is estimated to be \$1,000,000 (\$500,000 + \$500,000).
- The total increase in state expenditures in FY23-24 is estimated to be \$1,000,000 (\$500,000 + \$500,000).
- The total increase in state expenditures in FY24-25 is estimated to be \$500,000 (\$250,000 + \$250,000).
- The AOC can accommodate the provisions of the proposed legislation within existing resources without an increase in expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vlh